

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE

2004 JUN -3 P 2:08

DAVID M. GOLDEN,
Plaintiff

v.

COUNTY OF SUFFOLK,
Defendants

U.S. DISTRICT COURT
DISTRICT OF MASS.

Civil Action No. 04-10835-MEL

**DEFENDANT'S ASSENTED TO MOTION TO CONSOLIDATE PURSANT TO FED. R.
CIV.P. 42(a)**

Now comes the Defendant in the above-entitled action and, pursuant to Fed. R. Civ. P. 42(a), respectfully requests that this matter be consolidated with similar cases currently pending before the Federal District Court: *Edward R. Ellies v. County of Suffolk* C.A. No. 04-10836-RGS; *John T. Connolly v. County of Suffolk* C.A. No. 04-10837-RGS; *Michael J. Dwyer* C.A. No. 04-10838-GAO; *Robert T. Wisniewski, Jr.* C.A. 04-10839; and *Thomas P. Crosby v. Suffolk County* C.A. No. 04-11001-EFH. As reasons therefore, the Defendant states that the aforementioned cases involve common questions of law and fact in that they all allege claims of negligence and civil rights violations against Suffolk County arising out of conditions of confinement at the Suffolk County House of Correction. Further, on May 24, 2004 the Defendant filed Motions to Dismiss pursuant to Fed. R. Civ. P. 12(b)(6) in all of the aforementioned cases. Finally, Plaintiff's counsel, Robert H. Tobin, Jr., who assents to the instant motion, represents all of the Plaintiffs in the aforementioned cases.

On June 2, 2004 I spoke with Robert H. Tobin, Jr., Plaintiff's counsel, by telephone and he authorized me to sign his name assenting to the instant motion.


Respectfully submitted,

DEFENDANT
COUNTY OF SUFFOLK,
By its attorney,



Ellen M. Caulo
Deputy General Counsel
BBO #545250
Suffolk County Sheriff's Department
200 Nashua Street
Boston, MA 02114

Assented to:



Robert H. Tobin, Jr.

Date: June 3, 2004

CERTIFICATE OF SERVICE

I hereby certify that I have served a true copy of the foregoing motion by faxing and mailing a copy, first-class, postage prepaid to counsel of record, Robert H. Tobin, Jr., Tobin and Tobin, PC, 735 South Street, Roslindale, MA 02131 on the 3rd day of June, 2004.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 3RD DAY OF JUNE 2004.



Ellen M. Caulo